

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT
NASHVILLE, TENNESSEE**

JUNE 29, 2000

IN RE:

**PETITION OF ON-SITE SYSTEMS, INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY**

)
)
)
)

**DOCKET NO.
00-00198**

**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on April 25, 2000, for a decision on the Petition of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") for expansion of its service area to include the Ussery #1 Development area of Sevier County, Tennessee.

Legal Standard for Granting CCN

On-Site's Petition was made pursuant to and was considered in light of the criteria for granting a CCN as set forth in Tenn. Code Ann. § 65-4-201, which provides, in pertinent part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

Background

On April 4, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide sewer service to Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee.

Petition to Amend CCN

On March 8, 2000, On-Site filed its Petition to amend its CCN to include the Ussery #1 Development area of Sevier County in its service territory. A map showing the area to which On-Site proposes to extend service is attached to its Petition. In its Petition, On-Site states that the Sevier County Government has advised that it has no intentions of providing service to the Ussery #1 Development area. In addition, Sevier County Executive Larry Waters has informed On-Site that Sevier County does not provide sewer service to the Ussery #1 Development area.

On-Site filed a rate schedule with its Petition in this docket which states that residential rates for the Ussery #1 Development area will be as follows:

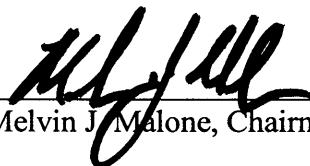
Total monthly charge	\$35.11
Non-payment fee	5% of monthly charge
Disconnection fee	\$10
Reconnection fee	\$15
Returned check fee	\$20
Access fee	\$84/year

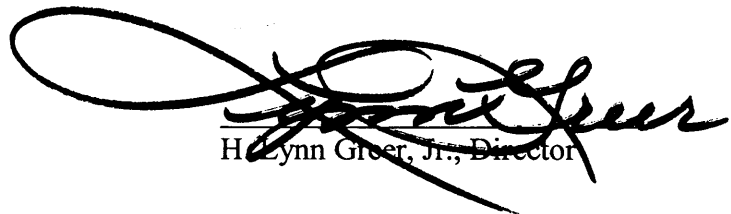
The rate schedule does not list any commercial sewer rates for this area.

On April 25, 2000, On-Site's Petition came before the Authority at a regularly scheduled Authority Conference. Upon consideration of the Petition and pertinent portions of the record, the Authority finds that approval of On-Site's Petition would benefit the present and future public convenience and necessity. Pursuant to Tenn. Code Ann. § 65-4-201, the Authority grants On-Site's Petition.

IT IS THEREFORE ORDERED THAT:

1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity to expand its service territory to include the Ussery #1 Development area of Sevier County, as shown in the map attached to the Petition, is approved;
2. On-Site's rates for sewer service to the Ussery #1 Development area shall be as listed in the rate schedule filed with On-Site's Petition and as set forth in this Order;
3. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order; and
4. Any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Groer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary